HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19768 of 2006

Dated:25.09.2006

Between:

Mr.Prashant Darisi.

…Petitioner

and

The Sub-Registrar and another.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19768 of 2006

ORDER:

The petitioner herein is allegedly the owner of the premises bearing No.8-7-110/49 (new) in Ward No.8, Bowenpally, Secunderabad. The said premises is constructed in Plot No.49 (old Plot No.37 (part)) comprised in Survey No.69 admeasuring 132 square yards. The petitioner entered into a sale transaction in favour of Syed Ameer Jahid and executed a sale deed, on 30.08.2006. The same was presented to the first respondent on 30.08.2006. The said document was kept pending, being P.No.754/2006. On the same day the first respondent issued a notice dated 30.08.2006, which reads as under.

NOTICE

Office of the Sub-Registrar,
Kukatpally, Ranga Reddy District.

Notice No. /2006
Dated:30.08.2006

It is hereby inform you that, you have presented a sale deed executed on 30.08.2006 by you, for registration on 30.08.2006.

It is to inform you that, the schedule property is in

dispute and the same can't be registered as per the order of the Hon'ble Justice in A.S.M.P.No.2174 of 2005 in O.S.No.652 of 2005 in the Hon'ble High Court of A.P.

A protest petition was filed by Sri.K.Laxma Reddy, S/o.Late K.Swamy Reddy, aged 54 years, R/o.H.No.8-7-113, Nagi Reddy Colony, Old Bowenpally, Secunderabad on 29-08-2006 in respect of schedule property land admeasuring Ac.3-09 gts. in Survey No.69 at Hussainbagh, Old Bowenpally, Ranga Reddy District.

Hence, the matter will be intimated to the higher officials for clarification and the further course of action will be decided as per the orders

SUB-REGISTRAR
KUKATPALLY.

Learned Counsel for the petitioner submits that there was no order passed by the High Court in A.S.M.P.No.2174 of 2005 prohibiting registration of the document in respect of Plot No.49. Secondly, he submits that the petitioner in A.S.M.P.No.2174 of 2005, K.Laxma Reddy, filed a protest petition before the first respondent claiming the suit schedule land and that the property which the petitioner sold does not form part of the said schedule.

A perusal of the impugned notice dated 30.08.2006 would show that the first respondent, while informing that there is an order passed by this Court as well as the protest petition filed by Laxma Reddy, further informed the petitioner that the matter is being intimated to the higher Officials for clarification, and further course of action will be decided as per their orders. Even before the first respondent can seek clarification, the present Writ Petition is filed. Therefore, this Court is not inclined to interfere in the matter. As and when the first respondent gets instructions/clarification from higher Officials, he may deal with the sale deed presented by the petitioner on 30.08.2006 in accordance with law, and if for any reason, the same cannot be registered, pass orders giving reasons for such refusal under Section 71 of the Registration Act, 1908.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

25.09.2006

Note: Issue C.C in three days.

B/o.

vs